

CHAPTER 1: GENERAL AND ADMINISTRATIVE RULES

RULE 100 - Citation of Rules

These rules shall be known and cited as the "Kings County Local Rules of Court."

(01/01/99)

RULE 101 - Construction, Scope and Effect of Rules

These rules shall govern all proceedings in the Kings County Superior Court and the Kings County Municipal Court. In the event the said courts become unified, all references to Municipal Court shall be deemed references to the Unified Superior Court.

These rules are designed to promote the efficient conduct of judicial business in the Kings County Courts and facilitate the administration of justice.

The rules are supplementary to, and shall be construed and applied so as to be compatible with, California statutes, the California Rules of Court or other rules adopted by the Judicial Council of California. When a specific rule or code section referred to in these rules is amended or renumbered, the successor rule or code section shall apply.

(01/01/99)

RULE 102 - Definitions

- (A) The definitions set forth in the California Rules of Court and other rules adopted by the Judicial Council shall apply with equal force and for all purposes to these rules unless the context or subject matter herein otherwise requires.
- (B) The word "court" shall mean the Kings County Courts, and shall include and apply to any judge who is a duly appointed or elected superior or municipal court judge, to any duly appointed commissioner or referee, to any judge or retired judge whom shall have been assigned by the Chairperson of the Judicial Council to serve, and is serving, as a judge of the Kings County Courts, and to any attorney who is a member of the State Bar of California designated by the presiding judge or any other superior or municipal court judge as judge pro tem, while such attorney is serving as judge.
- (C) The words "Judicial Council Rules" as used herein apply to and are defined as any rules heretofore and hereafter adopted by the Judicial Council of the State of California for Superior and/or Municipal Courts.

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- (D) The word "person" shall include and apply to corporations, partnerships, proprietorships, associations, and all other entities, as well as natural persons.
- (E) The word "judgment" includes any judgment, order or decree from which an appeal lies.
- (F) The word "paper" includes all pleadings, notices, and other papers, and documents.
- (G) The word "clerk" means the Clerk Administrator of the Kings County Courts and any deputy clerks.
- (H) "General civil case" includes all civil cases except probate, guardianship, conservatorship, family law, juvenile proceedings, other civil petitions, complex general civil cases, small claims, and unlawful detainer cases.
- (I) "Complex general civil case" is defined as set forth in the Standards of Judicial Administration.
- (J) "Short cause case" is defined as a case in which the time estimated for trial by all parties is four (4) hours or less.
(01/01/99)

RULE 103 - Failure to Comply with Rules

The failure of any person to comply with these rules, unless good cause is shown, or the failure of any person to participate in good faith in any hearing or conference required by these rules, is an unlawful interference with the proceedings of the court. The court may order the person at fault to pay the opposing party's reasonable expenses and counsel fees, to reimburse or make payment to the county, may order an appropriate change in the calendar status of the case, and impose any other sanctions authorized by law. To the extent permitted by law, sanctions may be imposed on a party, the party's attorney, or both, as the court deems appropriate under the circumstances.

(01/01/99)

RULE 104 - Court Attire and Conduct

No person shall appear in court barefoot, shirtless or wearing a tank top, or dress in any manner reflecting poorly upon the dignity of the court and its decorum. The bailiffs of the court are to remove any person violating this rule. This rule does not limit any judge from additionally prescribing appropriate attire or conduct rules in the courtroom.
(01/01/99)

RULE 105 - Appearance and Conduct of Counsel

An attorney who appears for another attorney is representing the party before the court. As provided by the California Rules of Professional Conduct such attorney is required to do so competently, and is expected to be prepared to perform any duties required by the court, to have authority to make appropriate dispositions or calendar settings, and to communicate any orders the court may issue to the attorney of record.

An attorney shall not accept representation of a client if the attorney does not have sufficient time to adequately prepare before the next scheduled court appearance, and shall comply with all applicable case disposition standards unless otherwise ordered by the court. (01/01/99)

RULE 106 - Check Cashing

A personal check, bank cashier's check or draft, money order or traveler's check offered in payment of any fee, fine or bail deposit may be accepted by the clerk as follows:

1. Personal checks must be drawn on a banking institution located in the United States.
2. Cashier's checks or money orders may be drawn on any issuing institution located in the United States.
3. The amount must be the exact amount of the fee, fine or bail. Change will not be given. The date on the check must not be over one month previous to the date presented; post-dated checks will not be accepted.
4. The original payee must be the Clerk of the Kings County Courts or its practical equivalent.
5. Two-party checks are not acceptable.
6. The numeric figures must agree with the amount written in words. The amount must be in designated in US currency.
7. Any check or money order, which appears irregular on its face, may be refused.
8. Personal checks from persons known to have previously tendered dishonored checks may be refused.

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9. Checks returned to the court are subject to applicable fees.
(01/01/99)

RULE 107 - Custody of Court Files

No papers, exhibits, or evidence on file with the clerk in any civil or criminal case shall be taken from the clerk's office, except by order of the court or in response to a subpoena duces tecum.

(01/01/99)

RULE 108 - Trial Juror Residency

Any division of the Municipal Court may use the same jury panel as that summoned for service in the Superior Court. This rule is adopted pursuant to section 73397 of the California Government Code.

(01/01/99)

RULE 109 - Dangerous Evidence

Controlled or toxic substances in any form must be securely sealed in containers so those odors cannot be emitted.

Blood or urine samples, sharp instruments, including knives, hypodermic needles or any objects containing blood, urine or other bodily fluids shall be permitted in the courtroom only when enclosed in a container sufficient to protect court personnel and other persons in the court.

Any firearms, which are to be admitted into evidence, must be examined by the bailiff and rendered inoperable prior to being brought into the courtroom.

Prior notice to the court shall be given before any of the above objects are brought into any courthouse as potential evidence.

(01/01/99)

RULE 110 - Sound Recordings - Transcripts

Prior to the commencement of any trial or hearing, a typed transcription of any sound recording which counsel expects to offer into evidence shall be prepared at the direction and expense of the proponent of the evidence and shall be certified by the preparer as containing a true transcription of such recorded statement. The proponent of such recording shall prepare a sufficient number of copies of such transcript for each of the following persons to have a copy: each juror and alternate

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juror, the judge, each opposing party, each opposing counsel, the court clerk, and the court reporter.

(01/01/99)

RULE 111 - Judicial Notice

The provisions of Rule 323(b) of the California Rules of Court regarding requests for judicial notice shall be applicable to all requests for judicial notice in all cases of any description, civil, criminal or otherwise. In addition, any party requesting that judicial notice be taken of documents in a file in a case in the Kings County Courts other than the case in which the motion is brought, shall at the time of the filing of the motion notify the clerk of the request and of the name and court number of the file containing the documents requested to be noticed.

(01/01/99)

(RULES 112 - 199 Reserved)